

MEMORANDUM

DATE: June 14, 2006
TO: Planning Commission
FROM: Ray Hill, Planning Department
SUBJECT: County Subdivision Fees
COPY: file

When I prepared the staff report in the fee summary I listed "Administrative Final Plat". There is no such thing in the County Subdivision Resolution. It should have listed "Administrative Subdivision". In the proposed text I left out fees for administrative subdivisions. Below is the revised proposed fee summary and text changes that includes administrative subdivision fees:

SUBDIVISION FEES -

Administrative Subdivision:

Base	\$125.00	<u>\$150.00</u>
Per lot	-\$25.00	<u>\$50.00</u>
Modification (- waivers)	\$125.00	

10.015 Administrative Subdivision Fee.

The following fees shall be charged at the time of filing an application for an administrative subdivision:

- (a) Filing fee of \$ 150.00;
- (b) Unit fee of \$ 50.00 per lot.

Attached is the revised the staff report.

Should you have questions please contact me at 441-6371 or rhill@lincoln.ne.gov.

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Lincoln-Lancaster County Planning Department

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 21, 2006 PLANNING COMMISSION MEETING

REVISED REPORT

P.A.S.: CZ#06024 and Misc#06006

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: Increase and amend the fees for County zoning and subdivision applications.

CONCLUSION: The increase in the fees will not have a significant impact on the cost of housing and development, but it will assist in reducing the cost to the general taxpayers for providing planning services.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lancaster County Land Subdivision Regulations: amending Sections 3.02, 3.18, 3.19, & 3.20, deleting 3.05, 3.15, 3.25 & 3.26 and adding a new Chapter 10 listing the application fees.

Lancaster County Zoning Resolution Article 23 Fees.

ANALYSIS:

The proposed increase in fees is intended to keep pace with inflation to maintain the goal for cost recovery that was set when fees were increased in 1999 and 2003. The increase should not significantly increase the cost of housing and development. At the present time, most projects are reviewed by numerous departments and agencies including County Engineering, Rural Fire, County Sheriff, 911 emergency services, Health, LES, and County Attorney and other County, State and Federal agencies. Even with the increase in the fees, the revenue collected would cover less than half of the Planning Department's cost of processing applications and almost none of the costs of the other departments and agencies in processing the applications.

Last year, the Health Department did request a new fee to cover part of their cost of reviewing planning applications in which land is being subdivided and served by on site wastewater systems. The City Council, for the three-mile area outside Lincoln, and the County Board for its jurisdiction in the unincorporated area, approved a base fee of \$275.00 plus a per lot fee of \$10.00 with a maximum lot fee of \$1,000.00. This fee is located in the Health Department's

chapters of the City and County Codes, and so it was not brought to the Planning Commission for their recommendation. However, the Planning Department agreed to collect this fee for the Health Department in the interest of customer service.

One of the more significant changes is the increase in base and per lot/dwelling unit fees for Community Unit Plans, and Plats. A couple of years ago, the resolutions were amended to no longer require the separate submission of preliminary plats when CUPs, were meeting the same requirements. The application fees were not adjusted at the same time, and the result was nearly a 50% loss in fees for those developments. Staff did see some time savings with those amendments, but not enough to justify a reduction of this size.

Fees to-date in the current fiscal year (2005-06) are down about 25% from the two previous years, reflecting the downward trend in building construction. So unless this trend reverses, revenues in the next fiscal year will not reach the levels of those previous years, even with the proposed fee changes.

Attached are the proposed amendments in legislative form.

Summary of:

LANCASTER COUNTY ZONING AND SUBDIVISION FEE SCHEDULES

ZONING FEES

Administrative Amendment	\$125.00	<u>\$150.00</u>
Administrative Permit (Wireless)	\$125.00	<u>\$150.00</u>
Airport Zoning District Height Permit	\$250.00 ¹	
Board of Zoning Appeals	\$250.00 ¹	
Change of Zone to:		
AG, AGR, R, 1 acre or less	\$250.00	
AG, AGR, R, greater than 1 acre	\$370.00	<u>\$400.00</u>
Other districts, 1 acre or less	\$370.00	<u>\$400.00</u>
Other districts, greater than 1 acre	\$740.00	<u>\$750.00</u>
Text Change	\$250.00	<u>\$300.00</u>
Community Unit Plan, Mobile Home Court & Mobile Home Sub	\$250.00	<u>\$750.00</u>
Community Unit Plan, per dwelling unit (Maximum \$2500 <u>\$3000</u>) ...	\$25.00	<u>\$50.00</u>
Mobile Home Court & Mobile Home Sub., per space (Max. 2500 <u>\$3000</u>)	\$25.00	<u>\$50.00</u>
Postponement Fee	\$125.00	<u>\$150.00</u>
Special Permit:		
1 acre or less	\$250.00	
Greater than 1 acre	\$740.00	<u>\$750.00</u>
Text Change	\$250.00	
All other zoning applications	\$250.00	

SUBDIVISION FEES -

Administrative Subdivision:

Base	\$125.00	<u>\$150.00</u>
Per lot	\$25.00	<u>\$50.00</u>
Modification (waivers)	\$125.00	

Final Plat:

Base	\$125.00	<u>\$150.00</u>
Per lot (maximum \$2500 <u>\$3000</u>)	\$25.00	<u>\$50.00</u>

Final Plat Amendment \$250.00

Postponement fee ~~\$125.00~~ \$150.00

Preliminary Plat:

Base	\$600.00	<u>\$750.00</u>
Per lot (Maximum \$2500 <u>\$3000</u>)	\$50.00	

Street Name Change \$250.00

Survey error Correct final plat \$125.00

Text Change ~~\$250.00~~ \$300.00

Vacation of Plat \$250.00

Waivers \$250.00All other subdivision applications \$250.00Comprehensive Plan Amendment ~~\$250.00~~ \$300.00Comprehensive Plan Conformance (Conservation Easements) ~~\$250.00~~ \$300.00

City/County Health Department Area Development Fee:

Base	\$275.00
Per lot	\$10.00
Maximum combined base fee and per lot fee	\$1000.00

1. File with Building and Safety**!** For lot fee, exclude outlots.**!** ~~Preliminary plat maximum fee is \$2,500.00. CUP maximum fee is \$2,500.00.~~~~Credit shall be given for any fees paid in connection with subdivision of the CUP.~~

Prepared by:

Ray Hill Planner**DATE:** June 12, 2006, Revised June 14, 2006**APPLICANT:** Director of Planning Marvin S. Krout

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 Planning Department
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Lancaster Zoning Resolution

**ARTICLE 23
FEES**

23.001. General Regulations. The fees set forth in this article shall apply to this resolution. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the County Board of other appropriate authority.

23.003. Change of Zone. The following fees shall be charged at the time of filing an application for a change of zone:

a) For the filing of an application for a change of zone in the "AG", "AGR", and "R" zoning districts:

1) Where the area for which the change of zone is requested is one (1) acre or less, the application fee shall be ~~two hundred fifty dollars (\$250.00)~~ (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

2) Where the area for which the change of zone is requested is in excess of one (1) acre, the application fee shall be ~~three hundred seventy dollars (\$370.00)~~ \$400.00. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

b) For the filing of an application for a change of zone in all other zoning districts:

1) Where the area for which the change of zone is requested is one (1) acre or less, the fee shall be ~~three hundred seventy dollars (\$370.00)~~ \$400.00. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

2) Where the area for which change of zone is requested is in excess of one (1) acre, the fee shall be ~~seven hundred forty dollars (\$740.00)~~ \$750.00. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.005. Community Unit Plan. The application fee for a special permit for a community unit plan as required in Article 14 shall be ~~two hundred fifty dollars (\$250.00)~~, \$750.00 plus ~~twenty five dollars (\$25.00)~~ \$50.00 per dwelling unit to a maximum of ~~two thousand five hundred dollars (\$2,500.00)~~ \$3,000.00, which shall accompany the filing of the community unit plan. Credit shall be given for any fees paid in connection with subdivision of the community unit plan. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.007. Mobile Home Courts. The fee for an application for a special permit for a mobile home court under Article 13 shall be ~~two hundred fifty dollars (\$250.00)~~ \$750.00, plus ~~twenty five dollars (\$25.00)~~ \$50.00 per mobile home space to a maximum of \$3,000.00 shown on the application. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.009. Special Permit. The filing fee for an application for a special permit under Article 13, other than mobile home courts and community unit plans, shall be as follows:

a) If the area for which the special permit is requested is one (1) acre or less, the fee shall be ~~two hundred fifty dollars (\$250.00)~~ ; (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

b) if the area for which the special permit is requested is in excess of one (1) acre, the fee shall be ~~seven hundred forty dollars (\$740.00)~~ \$750.00. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.011. Administrative Amendment. The filing fee for an application for an administrative amendment to a special permit or to a use permit shall be ~~one hundred twenty five dollars (\$125.00)~~ \$150.00. (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.013. Board of Zoning Appeals. The filing fee for an application for an appeal to the Board of Zoning Appeals shall be two hundred fifty dollars (\$250.00). (September 5, 2003, Resolution No. 03-0093)

23.015. Airport Zoning. The filing fee for an application for a height permit in connection with the airport zoning district, Article 18, shall be two hundred fifty dollars (\$250.00). (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.017. Changes in Text. The filing fee for an application for a change of text in the 1979 Zoning Resolution of Lancaster County shall be ~~two hundred fifty dollars (\$250.00)~~ \$300.00 (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.019. General Fees. The filing fee for an application in connection with the 1979 Zoning Resolution of Lancaster County not otherwise covered by this article shall be two hundred fifty dollars (\$250.00). (Resolution No. 99-2319, November 23, 1999; September 5, 2003, Resolution No. 03-0093)

23.021. Exemption for County Filing on its' own behalf. No fee shall be required when any action is recommended by the County board on its' own motion or by any person or group officially designated to participate in the administration of this resolution.

23.023. Postponement Fee. A fee of ~~\$125.00~~ \$150.00 shall be charged at the time of filing an application to remove and readvertise action on an item that was postponed for an indefinite period at the request of the applicant. (September 5, 2003, Resolution No. 03-0093)

Lancaster County Land Subdivision Regulations

CHAPTER 3

PROCEDURE

Sec. 3. 02. ADMINISTRATIVE SUBDIVISION. A plat shall be required for all subdivisions except as permitted in this section. The Planning Director or his/her authorized representative is hereby authorized to approve subdivisions under the following conditions:

(a) No highway, road or street is accepted or needed within the area of the new lots.
(Resolution #4852, March 31, 1992)

(b) No more than four (4) lots shall be created from any lot, tract or parcel of land. If the remainder of any one parcel of land is ten (10) acres or less, it shall be considered one of the four (4) lots.

(c) Necessary easements for drainage, utilities and any other improvement required by this resolution shall be granted.

(d) All improvements required by this resolution shall be completed before the Planning Director approves the subdivision except individual water well systems and individual wastewater systems. Then, the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.

(e) The subdivider shall submit such information as set forth in this resolution when specified by the Planning Director.

(f) The subdivision shall be in accordance with the Comprehensive Plan.

(g) The subdivision shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, and Subdivision with Flood Plain, Chapter 6, in this resolution.

(h) Where an individual water well system for each lot or a community water system is proposed, water quality and quantity tests, results and reports as required in Chapter 7 shall be submitted by the subdivider.

(i) Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.

(j) Prior to the approval of the subdivision, the subdivider shall provide a statement from the County Treasurer's Office showing there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated for public use.

(k) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said change in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part there, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof.

(l) The subdivider shall submit an accurately drawn plan showing the proposed lots including the length of each lot line and its angle of deflection. Attached to the plan shall be a certificate signed by a registered land surveyor certifying that each proposed lot has been accurately surveyed in the proposed subdivision and that each lot corner has been well and accurately staked and marked; except the certified boundary survey and staking may be waived by

the Planning Director if the subdivision involves only the moving of the side lot lines shown on a final plat. The survey shall mathematically close with an error of not more than one (1) in twenty-five thousands (25,000). When necessary data to make the tie is available from the County Engineer, the periphery corners of the subdivision shall be tied into the modified state plane coordinate system.

(m) Copies of the application shall be distributed to other county departments and governmental agencies who are directly concerned with the proposed subdivision for their review and comments.

~~_____ (n) (1) Accompanying the application the subdivider shall pay to the County a fee of one hundred twenty five dollars (\$125.00) plus twenty five dollars (\$25.00) per each lot for each administrative subdivision application. (November 18, 1999; Resolution No. 99-2230; September 5, 2003; Resolution No. 03-0091)~~

~~_____ (o) (2) (n) Requests for modification shall be filed in the Planning Department. accompanied by a one hundred twenty five dollar (\$125.00) fee. A notice to adjacent property owners shall be mailed at least 14 days before the Planning Commissions's public hearing. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. (November 15, 1988; Resolution No. 4432.) (November 18, 1999; Resolution No. 99-2330; September 5, 2003, Resolution No. 03-0091)~~

(p) The Planning Director shall file the approved subdivision permit with all agreements and required easements in the office of the Register of Deeds of Lancaster County, Nebraska, within fifteen (15) days from the date of approval. The recording fees shall be paid in advance by the subdivider and submitted to the Planning Director.

~~Sec. 3.05. PRELIMINARY PLAT FEES.~~ The following fees to Lancaster County shall accompany the filing of the preliminary plat:

~~_____ (a) Filing fee of \$600.00 (November 18, 1999; Resolution No. 99-2330; September 5, 2003; Resolution No. 03-0091)~~

~~_____ (b) Unit fee of \$50.00 per lot to a maximum of \$2,500.00. (November 18, 1999; Resolution No. 99-2330; September 5, 2003, Resolution No. 03-0091)~~

~~Sec. 3.15. FINAL PLAT FEES AND NOTIFICATION.~~ A fee of one hundred twenty five dollars (\$125.00) plus twenty five dollars (\$25.00) per lot, to a maximum of two thousand five hundred dollars (\$2,500.00) shall be paid to the County at the same time a plat is filed with the Planning Director. (November 8, 2005, Resolution No. R-05-0142; November 18, 1999; Resolution No. 99-2330; September 5, 2003, Resolution No. 03-0091)

Sec. 3.18. SURVEY ERRORS. In the event that a survey error is found at any time after the filing of the final plat with the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter, the subdivider shall immediately proceed to cause the survey error to be corrected. Building permits on any or all the lots within the subdivision may be withheld and the County may take such action it deems appropriate to obtain the correction of the survey error. The subdivider shall submit to the Planning Director a corrected final plat, and an explanation letter setting forth the corrections, and a fee of one hundred twenty five dollars (\$125.00). The Planning Director shall transmit the corrected final plat and the letter of explanation to the County Engineer. The County Engineer shall review and return comments to the Planning Director. (November 8, 2005, Resolution No. R-05-0142) After the Planning Director has approved the corrected final plat, the Planning Director shall then file the approved corrected final plat in the Office of the Register of Deeds. The recording fee shall be paid in advance by the subdivider and submitted to the Planning Director. The name of the corrected final plat shall be "A corrected plat of (the name of the said subdivision)." The word "replat" shall not be used. The corrected plat shall comply with this

resolution and the conditions of the original plat as approved by the County. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.19. VACATION OF PLAT (VOIDING). The owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat with the Planning Department ~~with a fee of two hundred and fifty dollars (\$250.00)~~. A notice to adjacent owners of record shall be mailed at least ten (10) days before the Planning Commission's public hearing. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. After notification of the proposed action has been mailed to the owners of record within one mile of the boundary of the proposed vacation, the board may then set forth conditions it deems appropriate and approve the vacation. After the vacation is approved by the Board, the Planning Director shall then file the resolution approving the vacation in the Office of the Register of Deeds. Thereupon, the previous subdivision or plat shall be voided. The recording fee shall be paid in advance by the owner and submitted to the Planning Director. (November 13, 1990, Resolution No. 4690; September 5, 2003, Resolution No. 03-0091)

Sec. 3.20. FINAL PLAT AMENDMENTS. After a final plat has been approved, the Planning Director is authorized to approve amendments to the plat if:

- (a) A request for amendment is filed with the Planning Director, accompanied by a survey, if appropriate;
- (b) There is no increase in the number of lots;
- (c) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of lot lines and/ or right-of-way lines;
- (d) The amendment is consistent with the purposes of this chapter;
- ~~(e) A fee of two hundred fifty dollars (\$250.00) is paid to the County;~~
- (f) ~~(e)~~ The amended plat is filed in the Office of the Register of Deeds of Lancaster County, Nebraska, and the recording fees have been paid in advance by the subdivider and submitted to the Planning Director. (November 8, 2005, Resolution No. R-05-0142)

~~**Sec. 3.25 TEXT AMENDMENTS.** The filing fee for a change in the text in the County Subdivision Regulations shall be two hundred and fifty dollars (\$250.00) (September 5, 2003, Resolution No. 03-0091)~~

~~**Sec. 3.26 POSTPONEMENT FEE.** A fee of \$125.00 shall be charged at the time of filing an application to remove and re-advertise action on an item that was postponed for an indefinite period at the request of the applicant. (October 13, 2003, Resolution No. R-03-0108)~~

Chapter 10

FEES

Sections:

<u>10.010</u>	<u>General Regulations.</u>
<u>10.020</u>	<u>Administrative Subdivision</u>
<u>10.030</u>	<u>Preliminary Plat Fee.</u>
<u>10.040</u>	<u>Final Plat Fee.</u>
<u>10.050</u>	<u>Corrected Final Plat Fee.</u>
<u>10.060</u>	<u>Vacated Final Plat Fee.</u>
<u>10.070</u>	<u>Request to Amend the Conditions of an Approved Final Plat; Fee.</u>
<u>10.080</u>	<u>Exemption for County Filing on Its Own Behalf.</u>
<u>10.090</u>	<u>Changes in Text; Fee.</u>
<u>10.100</u>	<u>General Fees.</u>
<u>10.110</u>	<u>Waiver Fees.</u>
<u>10.120</u>	<u>Street Name Change Fee.</u>
<u>10.130</u>	<u>Postponement Fee.</u>

10.010 General Regulations.

The fees set forth in this chapter shall apply to this resolution. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the County Board or other appropriate authority.

10.020 Administrative Subdivision Fee.

The following fees shall be charged at the time of filing an application for an administrative subdivision:

- (a) Filing fee of \$ 150.00;
- (b) Unit fee of \$ 50.00 per lot.

10.030 Preliminary Plat Fee.

The following fees shall be charged at the time of filing an application for a preliminary plat:

- (a) Filing fee of \$750.00;
- (b) Unit fee of \$50.00 per lot to a maximum unit fee of \$3,000.00.

10.040 Final Plat Fee.

The following fees shall be charged at the time of filing an application for a final plat:

- (a) Filing fee of \$ 150.00;
- (b) Unit fee of \$ 50.00 per lot to a maximum unit fee of \$3,000.00.

10.050 Corrected Final Plat Fee.

A filing fee of \$125.00 shall be charged at the time of filing an application for a corrected final plat, or to file an affidavit to correct a drafting error on an approved final plat.

10.060 Vacated Final Plat Fee.

A filing fee of \$250.00 shall be charged at the time of filing an application to vacate a final plat.

10.070 Request to Amend the Conditions of an Approved Final Plat; Fee.

A filing fee of \$250.00 shall be charged at the time of filing an application for a request to amend the conditions of approval for an approved final plat.

10.080 Exemption for County Filing on Its Own Behalf.

No fee shall be required when any application or requested action is initiated by the County Board on its own motion or by any board member or any person or group officially designated to participate in the administration of this Resolution.

10.090 Changes in Text; Fee.

A filing fee of \$300.00 shall be charged at the time of filing an application for a change of text to Title 26 of the Lincoln Municipal Code.

10.100 General Fees.

A filing fee of \$250.00 shall be charged at the time of filing an application in connection with Title 26 of the Lincoln Municipal Code not otherwise covered by this chapter.

10.110 Waivers Fees.

A filing fee of \$250.00 shall be charged at the time of filing an application to waive and/or modify one or more requirements or design standards..

10.120 Street Name Change Fee.

A filing fee of \$250.00 shall be charged at the time of filing an application for a street name change.

10.130 Postponement Fee.

A filing fee of \$150.00 shall be charged at the time of filing an application that requires any additional legal notice.